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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN SMITH

Plaintiff,

vs.

INCOMM FINANCIAL SERVICES, INC. AND
PATHWARD, N.A.

Defendants.

Case No. 5:23-CV-4687-BF

CONSUMER LEGAL REMEDIES ACT
DECLARATION OF VENUE OF
KEVIN SMITH

DECLARATION OF VENUE

I, Kevin Smith declare:

1. I am over the age of 18 and a plaintiff in this action. This declaration is based on my personal knowledge, and if called upon to do so, I could and would testify to the stated facts.

2. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(b)(2) and 18 U.S.C. § 1965(a), because all or some of the unlawful practices and violations of law alleged herein occurred and are occurring in the County of Santa Clara, California. Furthermore, Defendants regularly conduct business within the State of California, Santa Clara County, and Plaintiff lives in this judicial district.

3. I currently live in the City of San Jose, Santa Clara County, California.


4. I make this declaration as required by California Civil Code section 1780(d).

5. Defendants do business in the Northern District of California, including the County of Santa Clara, by selling their Non-Reloadable Gift Card products at stores in Santa Clara County, including at Lucky Supermarket at 2175 Grant Rd, Los Altos, CA 94024.

6. I have personally shopped at that Lucky Supermarket store location and purchased the Non-Reloadable Gift Cards at issue in this action at that location.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at San Jose, California on May 7, 2024.


Kevin Smith